

Appl. No. 10/676,457

Amdt. Dated March 3, 2005

Reply to Office Action of December 6, 2004

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to FIGS. 2 and 3, and replace the original sheets. In both FIG. 2, reference numeral "114" is corrected to reference numeral "118," and in FIG. 3, reference numeral "118" is corrected to reference numeral "114."

Attachment: Replacement Sheets (2)

Appl. No. 10/676,457

Amdt. Dated March 3, 2005

Reply to Office Action of December 6, 2004

REMARKS

This is a full and timely response to the non-final Office action mailed December 6, 2004. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 11-18 and 20 are now pending in this application, with Claims 11 and 20 being the independent claims. Claims 11, 14, 16, 17, and 20 have been amended, and Claims 1-10 and 19 have been canceled herein. No new matter is believed to have been added.

Objections to the Drawings

The drawings were objected to because of various typographical errors with respect to reference numerals, and for allegedly not depicting the "actuator element" that was recited in as-filed Claims 5 and 14.

In response, Applicant has amended FIGS. 2 and 3 to correct two reference numerals. As regards the actuator element, Applicant has canceled Claim 5 and has amended Claim 14 to include terminology that is fully supported in the specification.

In view of the foregoing, reconsideration and withdrawal of the drawing objections is requested.

Objections to the Specification

The specification was objected to under 37 C.F.R. 1.75(d)(1) as allegedly failing to provide proper antecedent basis for the subject matter of Claims 5, 8, 10, 17, and 19. Specifically, the Office action alleges that the specification fails to provide antecedent basis for the actuator element, the bottom surface, the outer surface, the main body, and the disposition of the stop surfaces. The Office action further alleges, citing M.P.E.P. § 608.01(o) that "claim terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawings." Office action at 3.

In response, Applicants submit that 37 C.F.R. § 1.75(d)(1) and M.P.E.P. § 608.01(o) are being misread and misapplied to the instant application. In particular, 37 C.F.R. § 1.75(d)(1) states that "the terms and phrases used in the claims must find clear

Appl. No. 10/676,457

Amdt. Dated March 3, 2005

Reply to Office Action of December 6, 2004

support or antecedent basis in the description *so that the meaning of the terms in the claims may be ascertainable* by reference to the description.” See 37 C.F.R. § 1.75(d)(1) (emphasis added). Moreover, M.P.E.P. 608.01(o) states that “[t]he meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import; and in mechanical cases, it should be identified in the descriptive portion of the specification by reference to the drawing, *designating the part or parts therein to which the term applies.*” See M.P.E.P. 608.01(o) (emphasis added). These rules and guidelines do not require that each and every term that denotes structure be used in a verbatim sense, nor that each term has to have a specific reference numeral in the drawings. Rather, Applicant submits that the intent of Rule 75 and M.P.E.P. § 608.01(o) is that the description be written so that terms used in the claims are *readily ascertainable* and that, especially in mechanical-type cases, the part *to which claim terms apply* are identified.

As a result of the amendments submitted herewith, the claims do not include the terms “actuator element,” “bottom surface,” or “outer surface.” The claims still include the term “main body”; however, the disclosure provides clear support for this term at least in paragraph [0021] and FIG. 1, in which the engagement structure is clearly depicted and described as including a main body. As regards Claim 19, this claim has been canceled thus obviating the objection thereof.

In view of the foregoing, Applicant respectfully solicits reconsideration and withdrawal of the objections to the specification.

Rejections Under 35 U.S.C. § 102

Claims 1-20 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 1,905,684 (Woodruff). This rejection is respectfully traversed.

Independent Claim 11 and 20 now recites, *inter alia*, a single, unitary stop structure fixedly coupled to the actuator assembly, the stop structure including (i) a first engagement surface configured to engage the engagement structure first surface when the valve is in the open position and (ii) a second engagement surface configured to engage the engagement structure second surface when the valve is in the closed position.

Appl. No. 10/676,457

Amdt. Dated March 3, 2005

Reply to Office Action of December 6, 2004

Independent Claim 20 now recites similar structure, with the exception that the single, unitary stop is integrally formed as part of the actuator assembly.

Woodruff relates to a valve assembly that includes many of the features recited in independent Claims 11 and 20; however, this reference does not disclose at least the above-noted features. Namely, a single, unitary stop structure, either fixedly coupled to, or integrally formed as part of, the actuator assembly, and including first and second engagement surfaces that engage engagement structure first and second surfaces, respectively. Rather, Woodruff teaches threading two pins (21, 22) into the valve bonnet (14), which together cooperate with an upstanding member (23) to limit valve movement.

Since each and every element of independent Claims 11 and 20 is not disclosed in Woodruff, it cannot anticipate these claims. Moreover, Applicant submits that Woodruff neither alone nor in combination with any art of record, either teaches or suggests the invention encompassed by independent Claims 11 and 20. It is submitted that either fixedly coupling, or integrally forming, the single, unitary stop structure to, or with, the actuator assembly is more than a matter of mere design choice, since doing so would require a complete redesign and re-machining of the valve bonnet. Moreover, it would be wholly contrary to the advantages provided via the use of threaded pins, which may be readily installed and removed during assembly and/or repair.

Conclusion

Based on the above, independent Claims 11 and 20 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Appl. No. 10/676,457

Amdt. Dated March 3, 2005

Reply to Office Action of December 6, 2004

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 3/3/05

By: 

Paul D. Anrozowicz
Reg. No. 45,264
(480) 385-5060